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REMARKS

Claims 8 and 16 have been amended. Claims 5, 8 and 12-17 are pending and under consideration in the application.

Rejections Under 35 U.S.C. §102

Claims 5, 8 and 12 have been rejected under 35 U.S.C. §102(a) as being anticipated by Chase et al. (U.S. Patent No. 6,502,974).

The rejection of claim 5 has been overcome by the attached Declaration Of Jason A. Gilliam, co-inventor of U.S. Patent No. 6,502,974. The declaration states that Mr. Gilliam did not contribute to the conception of the subject matter claimed in the present application, and that it is his belief that the subject matter claimed in the above-referenced application was invented solely by Lee A. Chase. This means that U.S. Patent No. 6,502,974 does not qualify as prior art under any of the provisions of 35 U.S.C. §102 with respect to the subject matter of claim 5. Accordingly, the rejection of claim 5 has been overcome and should be withdrawn.

Claim 8 has been amended to require that the ribs have a constant cross-sectional shape and constant cross-sectional dimensions, and as shown in Fig. 4B. This feature is different from the gussets or fillets 280 of the '974 patent, and therefore is not anticipated. Further, the triangular shaped fillets or gussets of the '974 patent do not suggest the claimed longitudinally extending ribs having a uniform cross-sectional shape and dimensions.

With respect to claim 12, it is submitted that the required flexure member including intersecting surfaces and a preformed bulge at the intersection of the intersecting surfaces is neither anticipated nor suggested by the '974 patent. A "bulge" is not the same as the triangular gusset or fillet 280 shown in U.S. Patent No. 6,502,974. A bulge is a smoothly curved swelling or protruding part. Attached is a copy of page 215 of *The American Heritage Dictionary, Second College Edition*, Houghton Mifflin Company, Boston (1985) (Exhibit 1) which provides a definition of "bulge" which does not reasonably encompass the fillet 280 disclosed in the '974 patent.

Claim 14 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,631,068.

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The '068 patent was issued to Lee A. Chase, the inventor of the present application. The inventor's own prior '068 patent issued December 18, 2001, less than one year before the November 5, 2002 priority date of the present application. Accordingly, U.S. Patent No. 6,331,068 does not qualify as prior art under any of the provisions of 35 U.S.C. §102. Thus, withdrawal of the rejection is appropriate.

Rejections Under 35 U.S.C. §103

Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chase et al. (U.S. Patent No. 6,502,974) in view of Tomforde (U.S. Patent No. 4,475,148).

The references do not provide motivation for modifying the "slots extending partially through the flexure member" of the '974 patent by replacing them with the required hollow tubes extending transversally through the flexure member. The slots extending partially through the flexure member are recesses, i.e., indentations on the surface of the flexure member. While the flexure member is disclosed as being resilient and deformable, it is not an elastic member supporting a headlamp housing, as is the described elastic support 7 of the '148 patent, but is instead a non-elastic member supported by the headlamp housing. The purpose of hollow chambers 16 of elastic support member 7 of the '148 patent is not disclosed. Because the purpose of the hollow chamber 16 of elastic support member 7 is not disclosed, and member 7 is used in a component different from a flexure member disposed between a headlamp housing and a lens, those having ordinary skill in the art would not be motivated by the prior art to incorporate the hollow chambers of support 7 in the '148 patent in a different component made of a different material. The Examiner has speculated that one having ordinary skill in the art might be motivated to utilize the hollow tube chambers of the '148 patent "to increase the flexibility of the flexure member." However, neither of the applied references teaches that hollow tube chambers are equivalent to the partial slots or recesses of the '974 patent, and neither patent suggests that hollow tube chambers are suitable for increasing the flexibility of a flexure member disposed between the lens and housing of a headlamp assembly.

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CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance and notice of the same is earnestly solicited.

Respectfully submitted,

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Date

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